

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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IN RE:

Bankruptcy No. 05-40705-RJK

Curtis D. Hughes  
Tressa L. Hughes

Chapter 7

Debtors.

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APPLICATION OF ATTORNEYS FOR TRUSTEE FOR ALLOWANCE OF  
COMPENSATION AND REMBURSEMENT OF COSTS AND EXPENSES

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Mackall, Crounse & Moore ("MCM") respectfully applies to the Court to allow and authorize the payment of fees in its capacity as counsel for the Trustee during the period from March 2005 through October 2005.

**Jurisdiction**

1. A voluntary petition commencing the bankruptcy case of the above named Debtor ("Debtor") under a Chapter 7 proceeding was filed on February 7, 2005. This case is now pending in this Court.

2. The Court has jurisdiction over this application pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1070-1. This proceeding is a core proceeding.

3. This motion arises under 11 U.S.C. §§ 330 and Local Rule 2016-1. MCM requests the Court allow and authorize payment of compensation for professional services rendered incurred on behalf of the Trustee.

**Appointment as Counsel for Trustee**

4. Prior to his resignation, this Court authorized employment of MCM as attorneys for Trustee, Timothy D. Moratzka, with respect to all matters arising in these proceedings, under a general retainer, Exhibit A.

### **Description of Services**

5. All of these services were necessary for the adequate representation of Trustee. The hourly rates and charges for the attorneys and paralegals rendering services in this case are their usual and customary hourly rates and are comparable to the rates charged by other attorneys and paralegals in this community with similar experience and expertise.

6. MCM has no agreement or understanding with any person for the sharing of compensation received or to be received for services rendered in this proceeding on behalf of Debtor except that the fees requested herein will be shared by the partners of Mackall, Crounse & Moore.

7. In connection with these proceedings, MCM has performed substantial services for Trustee, an itemization of which is fully set forth in Exhibit B attached hereto. Exhibit B identifies specifically the services rendered, the date upon which they were rendered, the number of hours involved, the identity of the persons rendering the services and the value thereof. Also attached, as Exhibit C is an itemization of costs incurred.

8. The services rendered from March 2005 through October 2005 are summarized as follows:

a. General Administration

A variety of services rendered in the category included: Review real estate transactions and abstract of title prior to bankruptcy, review purchase agreements, research, review and analysis of laws regarding cancellation of contract for deed, negotiate sale price, and prepare closing documents, and attend to other matters common in Chapter 7 bankruptcies.

. Total fees incurred in this category are \$1,277.50.

A detailed description of these services is set forth in the attached Exhibit B.

Individuals rendering these services, their hourly rates and the number of hours expended

in this category are:

|                                   |                                 |
|-----------------------------------|---------------------------------|
| Timothy D. Moratzka<br>Attorney   | 1.25 hours at<br>\$350 per hour |
| Andrew P. Moratzka<br>Attorney    | 2.70 hours at<br>\$175 per hour |
| Lorraine D. Jacobson<br>Paralegal | 2.40 hours at<br>\$150 per hour |

### **Hourly Rates of Attorneys**

9. MCM believes that the fair and reasonable value of the services rendered and costs incurred by MCM as counsel for Trustee from March 2005 through October 2005 is \$1,277.50 for fees and \$13.65 for costs, for a total amount of \$1,291.15 on account of which MCM has received no payment.

WHEREFORE, MCM respectfully requests that the Court allow and authorize attorneys' fees in the amount of \$1,277.50 and costs in the amount of \$13.65 for a total amount of \$1,291.15. Further, MCM requests that the Court allows the Trustee to pay such fees and costs as funds become available.

DATED: June 28, 2007

MACKALL, CROUNSE & MOORE, PLC

By /e/ Timothy D. Moratzka  
Timothy D. Moratzka  
Attorney Lic. No. 75036  
Attorneys for Trustee  
1400 AT&T Tower  
901 Marquette Avenue  
Minneapolis, MN 55402  
(612) 305-1400

**VERIFICATION**, I, Timothy D. Moratzka, Trustee herein, verify that I have read the foregoing application and declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: June 28, 2007

Signed: /e/Timothy D. Moratzka

TDM/ldj/843516v1

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE:

Bky. No. 05-40705-RJK

CURTIS DONALD HUGHES  
TRESSA LOUISE HUGHES

Chapter 7

Debtor

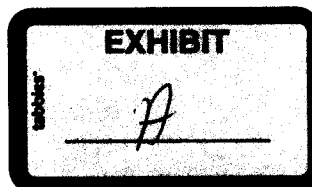
NUNC PRO TUNC  
APPLICATION FOR APPROVAL OF EMPLOYMENT OF ATTORNEY,  
VERIFIED STATEMENT AND ORDER

1. Applicant is the Trustee in this case.
2. Applicant believes that the employment of an Attorney is necessary to represent or assist Trustee in carrying out the Trustee's duties as follows: review listing agreements, review purchase agreements, prepare real estate closing documents and prepare and file estate's tax returns, if necessary.
3. Timothy D. Moratzka and Mackall, Crounse & Moore of 1400 AT&T Tower, 901 Marquette Avenue, Minneapolis, Minnesota are qualified by reason of practice and experience to render such representation or assistance.
4. The compensation will be at the regular hourly rates of Mackall, Crounse & Moore as follows:
  - a. Members: current rates range from \$165 to \$350 per hour.  
Tax preparation will be \$200.00 per hour.
  - b. Associate attorneys: current rates generally range between \$140 and \$200 per hour depending upon their level of experience.
  - c. Paralegals: current rates range from \$100 to \$150 per hour.

These rates are adjusted annually.

Attorneys anticipated to work on file are Timothy D. Moratzka, Patrick C. Summers, and Andrew Moratzka.

Paralegals anticipated to work on file are Lorraine D. Jacobson



5. Said professional has disclosed to the undersigned that he has the following connections with the Debtor(s), creditors, or any other party-in-interest: Timothy D. Moratzka is a member with the law firm of Mackall, Crounse & Moore.

6. The Trustee has made the following efforts to recover the asset prior to submitting this Application (to be completed where the Trustee is hiring an attorney): requested purchase agreements.

WHEREFORE, applicant prays that the Court approve such employment by the Trustee.

DATED: April 27, 2005

By /s/Timothy D. Moratzka  
Timothy D. Moratzka, #75036  
1400 AT&T Tower  
901 Marquette Avenue  
Minneapolis, MN 55402  
(612) 305-1400

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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IN RE:

Bky. No. 05-40705-RJK

CURTIS DONALD HUGHES  
TRESSA LOUISE HUGHES

Chapter 7

Debtor(s)

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VERIFIED STATEMENT OF TIMOTHY D. MORATZKA

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Timothy D. Moratzka, being duly sworn on oath states as follows:

1. That I am a duly licensed attorney authorized to practice law in the State of Minnesota and this court.
2. That I am a member with the law firm of Mackall, Crounse & Moore.
3. That I have disclosed to the Chapter 7 Trustee herein, that I have no connections with the Debtor nor connections with creditors or any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee, None
4. That I serve as a Chapter 7 Panel Trustee for the District of Minnesota, Region 12.

FURTHER YOUR AFFIANT SAITH NOT.

Dated: April 27, 2005

/e/Timothy D. Moratzka  
Timothy D. Moratzka

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE:

BKY. NO. 05-40705-RJK

CURTIS DONALD HUGHES  
TRESSA LOUISE HUGHES

CHAPTER 7

DEBTOR(S)

ORDER

On APRIL 27, 2005 the Application to Employ Timothy D. Moratzka of Mackall, Crounse & Moore as attorney of the estate came before the undersigned. Based on the Application, the Recommendation of the United States Trustee, and pursuant to the provisions of Title 11, United States Code § 327,

IT IS HEREBY ORDERED the professional employment applied for is hereby approved subject to the limitations on compensation provided by Title 11, United States Code, §328.

DATED: APRIL 29, 2005

  
UNITED STATES BANKRUPTCY JUDGE

TDM/ljd#741979v1

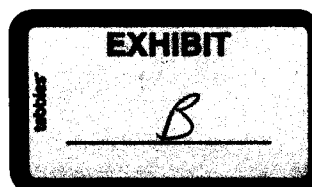
NOTICE OF ELECTRONIC ENTRY AND  
FILING ORDER OR JUDGMENT  
Filed and Docket Entry made on 04/29/05  
Lori Vosejпка, Clerk, By SLW



ATTORNEY TIME

Curtis and Tressa Hughes  
Bky. No. 05-40705

| <u>DATE</u> | <u>DESCRIPTION</u>  | <u>ATTORNEY</u> | <u>TIME</u> |
|-------------|---|-----------------|-------------|
| 3/17/2005   | Review current status of title and exemptions in two parcels of real estate; memo to file regarding sale of real estate.  | TDM             | 1.25        |
| 3/23/2005   | Review purchase agreement; meeting with Trustee; telephone conference with realtor re sale/closing issues.  | LDJ             | 0.5         |
| 4/27/2005   | Draft Trustee's Deed; letter to title company regarding closing documents.  | LDJ             | 0.65        |
| 5/3/2005    | Revise Deed; letter to Linda Martin regarding closing documents.  | LDJ             | 0.5         |
| 5/4/2005    | Call to title company regarding closing documents.  | LDJ             | 0.1         |
| 5/6/2005    | Review and analyze file and recorded documents; review and analyze notes from section 341 meeting; review and analyze law regarding termination of contract for deed. | APM             | 1.4         |
| 5/15/2005   | Review and analyze law regarding cancellation of contract for deed; email memorandum to Timothy Moratzka regarding strategy for proceeding.                           | APM             | 0.4         |
| 5/18/2005   | Conference with Timothy Moratzka regarding strategy for pursuing claim.   | APM             | 0.2         |



ATTORNEY TIME

Curtis and Tressa Hughes  
Bky. No. 05-40705

| <u>DATE</u> | <u>DESCRIPTION</u>   | <u>ATTORNEY</u> | <u>TIME</u>   |
|-------------|--|-----------------|---------------|
| 6/1/2005    | Review and analyze law regarding validity of penalty clauses in contracts for deed; draft letter to debtors regarding contract for deed litigation; conference with Timothy Moratzka regarding communications strategy; prepare letter to debtors for mailing. | APM             | 0.7           |
| 7/13/2005   | Email to Andrew Moratzka regarding Northland Investments.  | LDJ             | 0.2           |
| 10/18/2005  | Review status of Northland Investment issues; memo to Trustee.   | LDJ             | <u>0.5</u>    |
|             |  |                 | 6.4           |
| 1.25        | Timothy D. Moratzka @\$350/hour  | \$              | 437.50        |
| 2.70        | Andrew P. Moratzkas @ \$175/hour   | \$              | 472.50        |
| <u>2.45</u> | Lorraine D. Jacobson @\$150/hour   | \$              | <u>367.50</u> |
| 6.40        |  | \$              | 1,277.50      |

Curtis and Tressa Hughes  
Bky No. 05-40705

| <u>DATE</u> | <u>DESCRIPTION</u> | <u>COST</u> |
|-------------|--------------------|-------------|
| 5/4/2005    | Postage            | \$13.65     |
|             | TOTAL              | \$13.65     |

